

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2024 MAY 23 AM 10:27

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

CLERK

BY

DEPUTY CLERK

GIZMOCUP L.L.C., D/B/A
NORTHEAST PHARMA, and
ATLANTIC PHARMA CO L.L.C.,
Plaintiffs/Counterclaim Defendants

v.

Case No. 2:21-cv-00213-cr

MEDLINE INDUSTRIES, LP, f/k/a
MEDLINE INDUSTRIES, INC.
Defendant/Counterclaim Plaintiff/
Third-Party Plaintiff

STIPULATION REGARDING AMENDMENT TO PLEADINGS

The Parties submit this joint stipulation on amendments to the Complaint and the Answer, Affirmative Defenses and Counterclaims. In support thereof, the Parties state as follows:

1. On April 5, 2024, Medline Industries, LP f/k/a Medline Industries, Inc. ("Medline") filed a Motion for Leave to File Amend[ed] Counterclaim, Doc. 90;
2. On May 2, 2024, Plaintiffs proposed to amend their complaint, adding new claims;
3. This stipulation does not operate as an admission of any factual allegation or legal conclusion and is submitted subject to and without waiver of any right, defense, affirmative defense, claim, or objection, including lack of subject matter jurisdiction and lack of personal jurisdiction;
4. The Parties through their undersigned counsel have conferred and consented to the entry of this Order.

WHEREFORE, IT IS ORDERED AND AGREED THAT:

1. Plaintiffs may file an amended complaint in the form suggested on May 14, 2024 and as attached as Exhibit 1;

2. Medline may file a response to the amended complaint, including without limitation the new allegations contained in Exhibit 2. (Because Medline filed its motion to amend prior to Plaintiffs' proposed amended complaint, its proposed amendment does not fully respond to Plaintiffs' amended complaint. As a result, its amended responses will need to be broader than just Exhibit 2.)

APPROVED AND SO ORDERED:

Date: May 23, 2024.



Christina Reiss
Judge, United States District Court

CONSENT AS TO FORM AND SUBSTANCE:

Dated: May 20, 2024

/s/ Matthew B. Byrne

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